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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,617	10/31/2003	Michael J. Banchieri	3772P026	9887
8791	7590	06/08/2006		EXAMINER
				HUGHES, JAMES P
			ART UNIT	PAPER NUMBER
				2883

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/698,617	BANCHIERI, MICHAEL J.
	Examiner	Art Unit
	James P. Hughes	2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 March 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 3-16-06 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Drawings***

1. The drawings were received on March 16, 2006. These drawings are accepted.

***Response to Arguments***

2. Applicant's arguments filed on March 16, 2006 have been fully considered but they are not persuasive.

Applicant first argues at the top of page 11; "The above amendments are made only to place the claims in what Applicant considers to be a better form to protect the invention. Therefore, to the extent the Examiner may assert a new rejection in response to this amendment, based on different prior art, such rejection must not be made final." (emphasis in original) Applicant's argument is not persuasive as to what actions the Examiner must, or must not, take in regards to the Examiner's interpretation of how a claim amendment may, or may not, alter a claim's scope.

Next applicant states, "The present invention, on the other hand, generally pertains to a light cable interface, designed to be incorporated into an endoscopic light source unit, to securely hold a light cable inserted into the light source unit. The invention enables one-handed insertion of a light cable into the light source unit, while accommodating and securely holding a light cable that can be any of various sizes." (page 11) These aspects of the instant invention may not be found in the applied art, however they are not found in the instant claims. In the conclusion of the previous Office Action (See section 4) the Examiner made similar comments ("Applicant is suggested to

include recitations in the claims directed toward the connection of an endoscope with a light source as is supported by the specification.”) to attempt a compact prosecution.

Regarding the rejections under Fukuoka.

First, Applicant argues that element 18 is not a “latch” and does not function to hold the jaw assembly open or in any particular position. (See pages 12 and 13). Applicant’s arguments are not persuasive as these limitations may be found in Fukuoka. The elements 18 and 16 may be viewed as a jaw assembly and latch that opens – for example when 18 allows a fiber to enter device/the jaw area e.g. 16; thus holding the device/jaw area open – and holds the fiber once it is inserted.

Second, Applicant argues at the top of page 14 that Fukuoka does not teach that “the latch allows the jay assembly to close to secure the cable in response to insertion of the cable into the aperture, as recited in claim 1.” (emphasis in original) Applicant further argues that the operation of Fukuoka “must be triggered by some action by a human operator (other than just inserting the optical fiber).” and therefore, claim 1 is allowable. Third, Applicant argues that Fukuoka does not teach “releasing a latch which holds the jaw assembly in the opened position in response to the light transmission cable being inserted in the aperture.” (See the bottom of page 14)

Applicant’s second and third arguments are not persuasive because applicant is arguing for limitations not found in the claims when given their broadest reasonable interpretation. The recited claims do not require the latch to be automatically engaged when a fiber is inserted. Rather the recited claims require a device capable of “allowing

the jaw assembly to close around a cable" (lines 5-6 of claim 1) and the step of "releasing a latch which holds the jaw assembly in the opened position in response to the light transmission cable being inserted into the aperture" (lines 4-6 of claim 12). The claims do not preclude, for example, a human operator from actuating these steps. Applicant asserts, in lines 7-11 of page 14, that it is logical that a human operator would perform such an action in the invention of Fukuoka. The Examiner holds that the invention of Fukuoka is capable of performing such an action, thus the recited limitations of the apparatus claims are met by Fukuoka. Regarding the method claims; as the invention of Fukuoka is capable of performing such an action and as asserted by the applicant, it would be logical that a human operator could perform such steps, the recited method limitations are met by Fukuoka.

Applicant makes additional remarks on pages 15 and 16 regarding the obviousness of the claim reactions over Fukuoka. Applicant argues that Fukuoka is lacking motivation for why a plunger actuator would be incorporated into the invention of Fukuoka. As plungers are notoriously well known to be capable of securing objects via suction without damage – e.g. as contemplated in surgical devices by Hess et al. (2003/0065323) to secure vessel during surgical procedures. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a plunger to secure the optical fiber of Fukuoka because this would prevent damage to the optical fiber. One of ordinary skill in the art would have been motivated to not damage the fiber of Fukuoka because this would yield a less efficient device in that it would result in reduced performance (e.g. more light lost through the fibers cladding) and/or greater cost from fiber replacement.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being obvious over Fukuoka et al. (5,253,412). Fukuoka et al. teaches a method and apparatus comprising: a base (e.g 2); a jaw assembly (e.g. 16) coupled to the base, the jaw assembly defining aperture when open; a spring (e.g.19) coupled to the jaw assembly (16) and the base (2) which may hold the jaw open; a plunger actuator (e.g. 15) having a plunger portion (e.g. plates) that receives the fiber optic cable (e.g. 50) may extend through the aperture; a slide actuator (e.g. 14, 12) that is coupled to the plunger actuator (16) and base (2), wherein the slide actuator moves the optical fiber (50); a latch (e.g. 18) coupled to the base (2) to hold the jaw assembly open, wherein the latch (18) is released by a release mechanism (e.g. 17e and 18e) that is coupled to the jaw assembly (16) which may open the jaw thereby releasing the cable (50). Further, the elements 18 and 16 may be viewed as a jaw assembly and latch that opens – for example when 18 allows a fiber to enter device/the jaw area e.g. 16; thus holding the device/jaw area open – and holds the fiber once it is inserted.

However, Fukuoka does not explicitly teach that the slide actuator is actuated by the plunger actuator so that the release mechanism may open the jaw assemble thereby moving the plunger portion into the aperture. It would have been obvious to one of ordinary skill in the art at the time of the invention to rearrange the actuation of the slide

actuator by the plunger actuator when the cable is inserted in such a manner because this would provide an efficient automated system.

Fukuoka also does not explicitly teach a second channel (e.g. for a second optical fiber). However, a second channel for a second optical fiber would have been obvious to one of ordinary skill in the art at the time of the invention because such a device would allow the processing of two fibers at the same time, thus yielding an efficient device.

While Fukuoka does not explicitly teach a serrated inner edge to engage the cable or to turn off a light source when the jaw is open, it would have been obvious to one of ordinary skill in the art at the time of the intention to incorporate a serrated inner edge because this would be an efficient device by, for example, increasing the gripion of the jaws. Following, employing a light source and turning off the light source when the jaws are open would reduce wasted energy, would have been obvious to one of ordinary skill in the art at the time of the invention to allow verification that the fiber optic jacket (e.g. 51) had been completely removed by the removing unit. (See e.g., Col. 5, ll. 35 – Col. 10, ll. 20; Figs. 2 and 3)

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James P. Hughes whose telephone number is 571-272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James P. Hughes  
Patent Examiner  
Art Unit 2883

  
Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800

Entered  
3-23-06  
JW

## REPLACEMENT SHEET

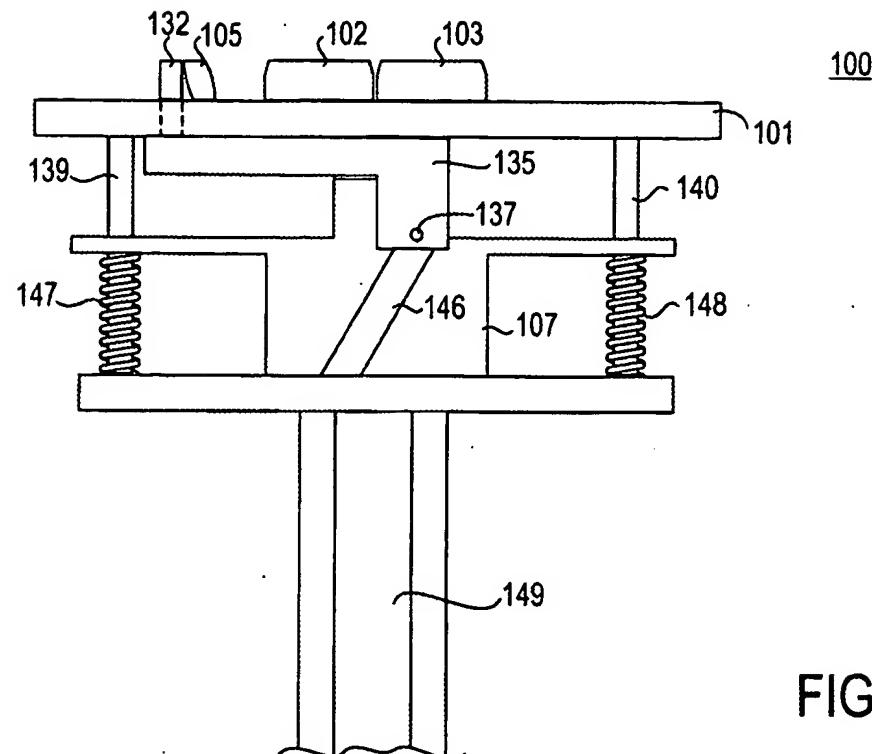


FIG. 4

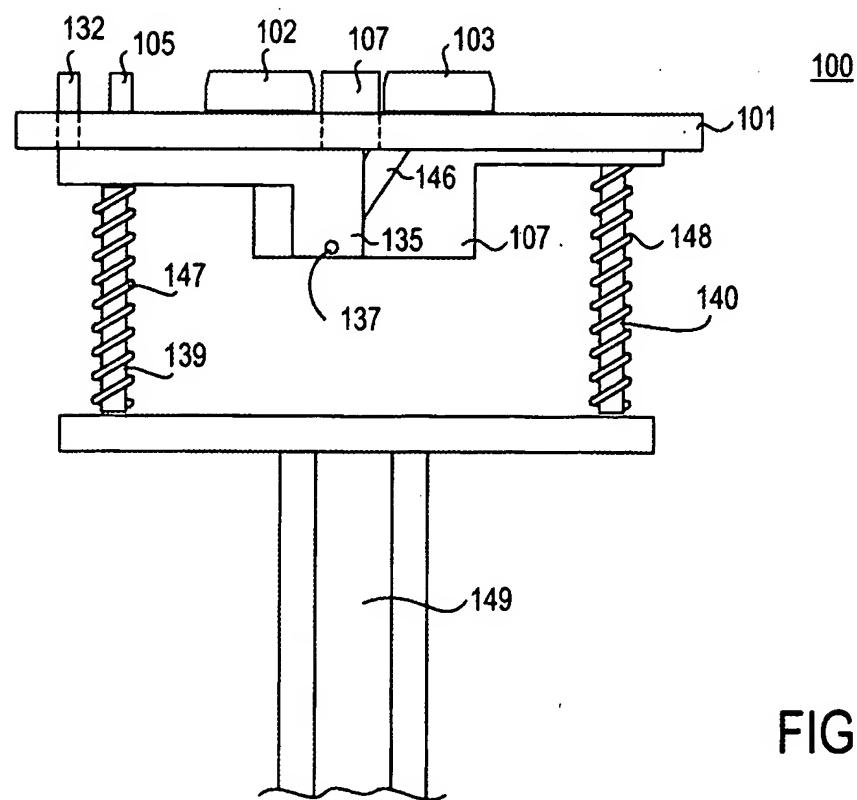


FIG. 5

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## REPLACEMENT SHEET

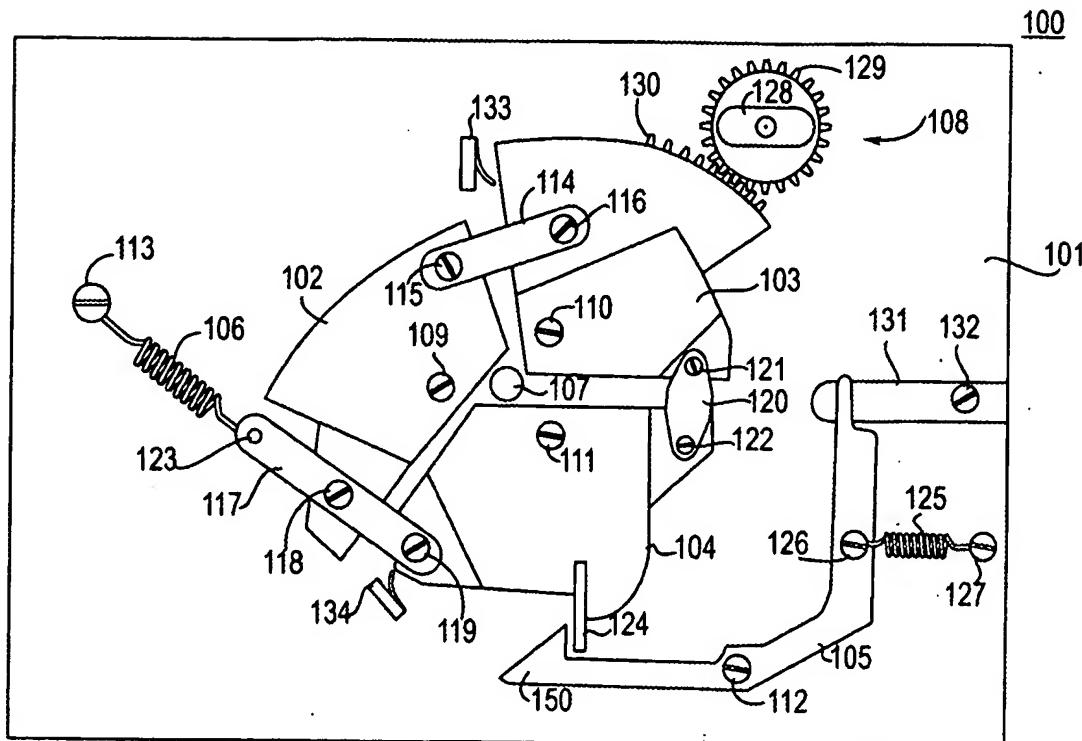


FIG. 2

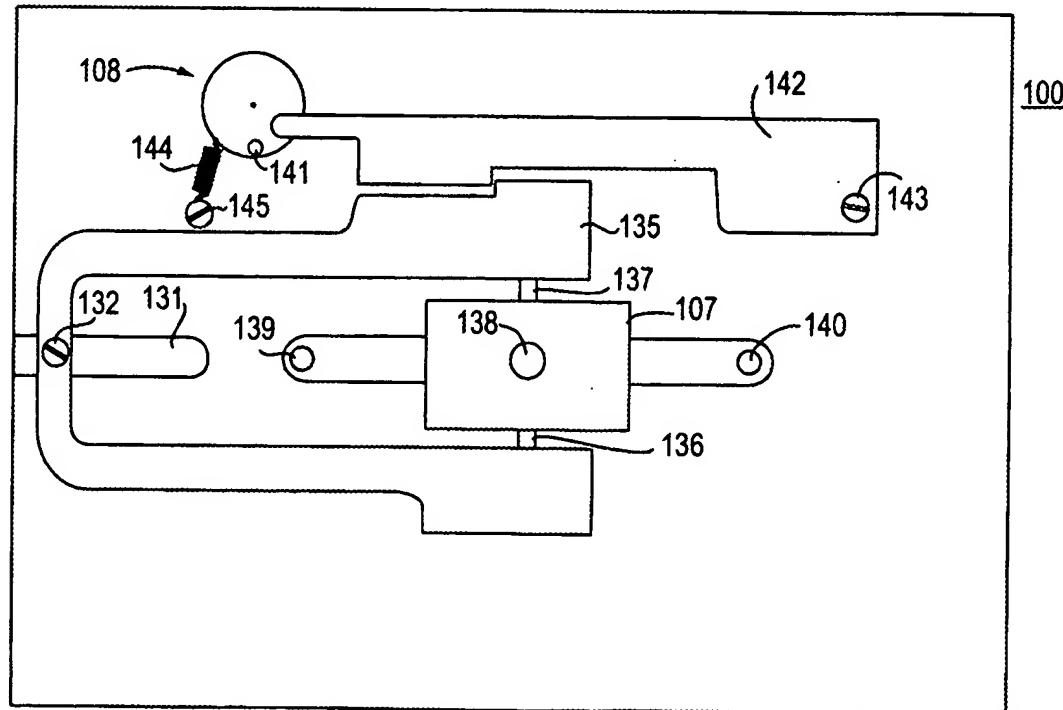


FIG. 3



6-11  
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## REPLACEMENT SHEET

FIG. 1A  
(Prior Art)

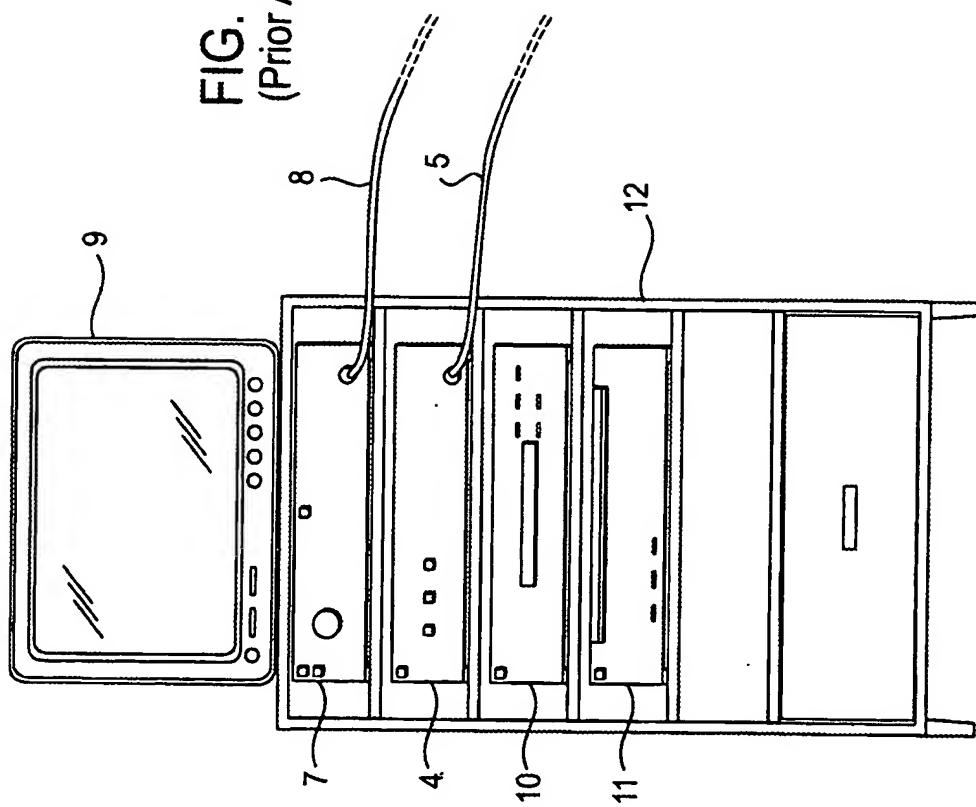
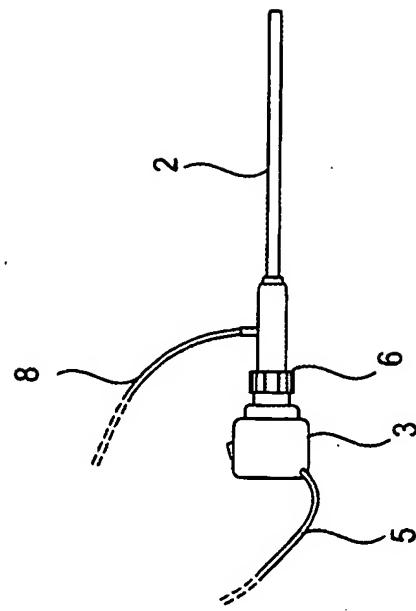


FIG. 1B  
(Prior Art)



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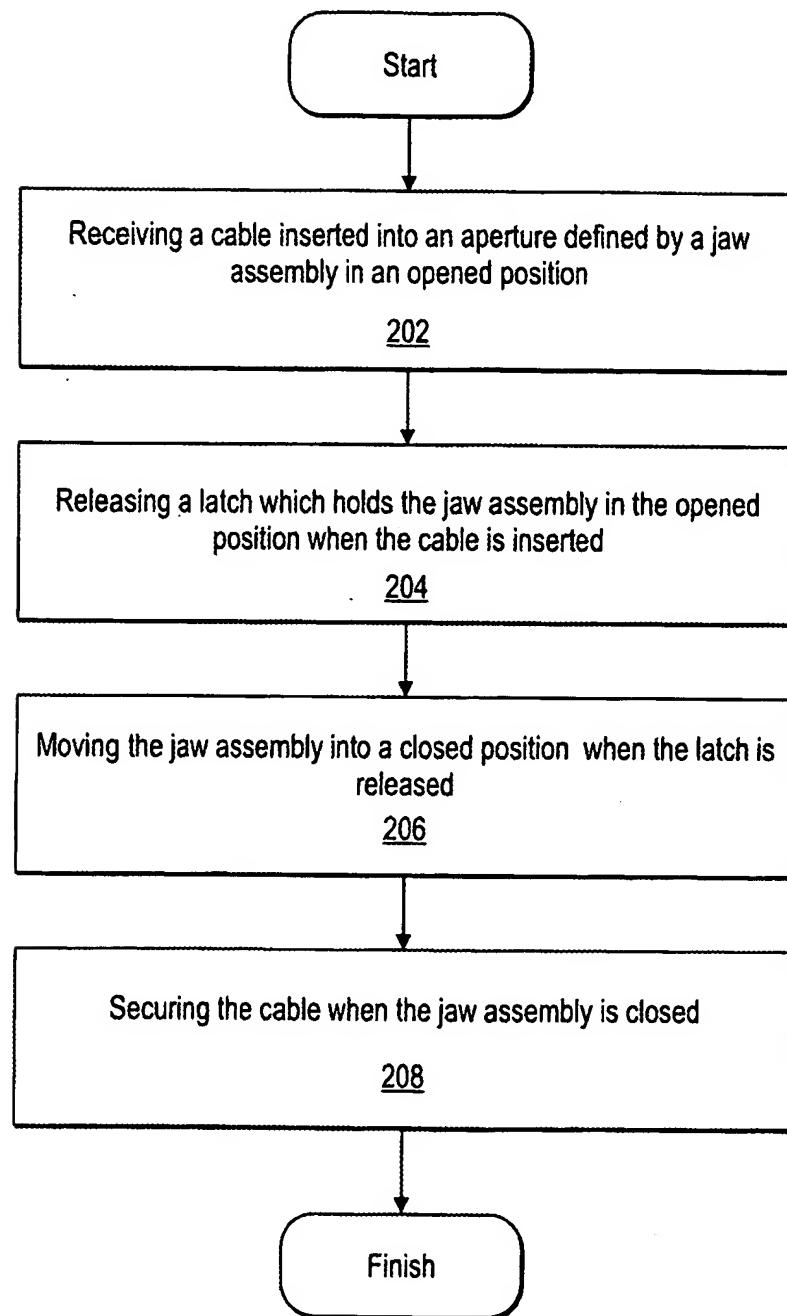


FIG. 6